

June 2020 Budget Status Report

FFY 2016 Formula Grant Award (Approved End Date: 9/30/2020)

State Program Title	Federal Budget	Exp to Date (6/4/2020)	Current Balance (6/4/20)	Budget Narrative
Delinquency Prevention	\$70,000.00	\$50,992.75	\$19,007.25	- Andes Central and Dell Rapids School Systems Year 3 Awards - Evaluation Services
Planning/Admin	\$30,000.00	\$17,397.47	\$12,602.53	- Costs associated with Formula Grant Program implementation by DOC administration staff - Cannot go negative in P&A Program Area
Council of Juvenile Services	\$5,000.00	\$1,050.11	\$3,949.89	- Annual Report
Deinstitutionalization of Status Offenders (DSO)	\$10,000.00	\$9,214.04	\$785.96	- County Reimbursement Program (No program or county cap)
Separation	\$5,000.00	\$4,758.66	\$241.34	
Jail Removal	\$10,000.00	\$9,398.22	\$601.78	
Compliance	\$10,000.00	\$13,042.40	-\$3,042.40	- Costs associated with compliance monitoring by DOC administration staff
Disproportionate Minority Contact (DMC)	\$105,000.00	\$67,831.50	\$37,168.50	- Three current subgrants - Costs associated with DMC by DOC administration staff
Native American Programs	\$45,000.00	\$21,343.70	\$23,656.30	- SWO Year 2 Award
Juvenile Justice System Improvement	\$110,336.00	\$96,535.15	\$13,800.85	Alternatives to Detention Subgrants in Brown, Codington, and Davison Counties.
Total	\$400,336.00	\$291,564.00	\$108,772.00	

Juvenile Justice Reform Act (formerly the Juvenile Justice & Delinquency Prevention) Valid Court Order Exception Changes

Overview

The JJRA was signed into law reauthorizing and substantially amending the JJDPA. These amendments were made effective October 1, 2019. Department of Corrections Formula Grant staff were formally trained on the new Act in late-September of 2019. One of the significant changes to the Act was the use of the Valid Court Order (VCO) exception to the prohibition of holding of status offenders in secure detention.

The JJRA now limits the use of the VCO exception to seven days or less. Prior to this change, once a VCO exception occurred, the violator could be held in detention for an unlimited amount of time under the JJDPA and up to 90 days under South Dakota state law.

Each year South Dakota is given a DSO rate of compliance to determine if the State has successfully maintained compliance with that core requirement. For the last submitted reporting period (10/1/17-9/30/18), South Dakota could report seven DSO violations statewide to remain in compliance with DSO. South Dakota reported four DSO violations. For the latest reporting period (10/1/18-9/30/19) that South Dakota submitted in March 2020, one DSO violation was reported to OJJDP to determine our compliance with the DSO requirement.

DOC Staff are now faced with strategizing how to implement the JJDPA that no longer aligns with state law (SDCL 26-8B-3). Based on current county use of the VCO exception, it is very likely that South Dakota will be found out of compliance in FFY2020 if action is not taken to assist in aligning practice with the JJDPA as amended by the JJRA.

DOC Correspondence Notification to Partner Agencies

10/03/19 – email correspondence to county collocated and JDC facilities

10/11/19 – email correspondence with Charles Frieberg of UJS

11/08/19 – UJS memorandum sent to judges and court services officers

Potential Impact

If the state fails to demonstrate the required level of compliance by the end of the fiscal year for which funds are allocated, the state's Formula Grants allotment will be reduced by 20 percent for each such failure. Further, the noncompliant state must agree to expend 50 percent of the state's allocation for that year to achieve compliance with the core requirement(s) with which it is not in compliance. If found to be noncompliant, loss and diversion of funds would need to be taken from current/potential community partner subgrantees and substantially affect the youth of South Dakota by taking away needed programs.

Compliance Report For 10/01/2019 - 09/30/2020

	Total Records Submitted Oct. 2019 - Apr. 2020	# of records submitted Oct. 2019 - Jan. 2020	# of records submitted Feb. 2020 - Apr. 2020	Records Under Review	Potential DSO Violations	Potential Jail Removal Violations	Potential Separation Violations
Beadle County JDC	104	89	15	0	0	0	0
Brown County JDC	209	170	39	0	1	0	0
Codington County JDC	20	12	8	0	0	0	0
Day County JDC	7	2	5	0	0	0	0
Hughes County JDC	179	144	35	0	1	0	0
Minnehaha County JDC	322	202	120	0	3	0	0
Pennington County JDC	277	164	113	0	0	0	0
Roberts County JDC	69	51	18	0	1	0	0
Spearfish Police Department	20	15	5	0	0	0	0
Walworth County JDC	1	0	1	0	0	0	0
Yankton County Jail	32	25	7	0	0	0	0
Total	1240	874	366	0	6	0	0

Oct 2019 - April 2020

*Brown County has 1 violation as a status offender was held securely beyond 24 hours and the new VCO requirements weren't met.

*Hughes County has 1 violation as a status offender was held securely beyond 24 hours.

*Minnehaha County has 3 violations as status offenders were held securely beyond 24 hours; 2 of which, the new VCO requirements weren't met.

*Roberts County has 1 violation as a status offender was held securely beyond 24 hours.

Meeting Minutes -DRAFT
South Dakota Council of Juvenile Services
September 12, 2019

The Rapid City Club for Boys, Rapid City, SD

Thursday, September 12, 2019

Council of Juvenile Services Members Present: Beth O'Toole, Chair and Professor at the University of Sioux Falls; Dadra Avery, School Counselor at Sturgis Brown High School; Judge Tami Bern, First Judicial Circuit Judge; Keith Bonenberger, Community Member; Kristi Bunkers, Director of Juvenile Services; Kim Cournoyer, Service Provider; Doug Hermann, Executive Director of The Club for Boys; Brad Howell, Codington County Sheriff; Aaron McGowan, Minnehaha County States Attorney; Betty Oldenkamp, CEO of Lutheran Social Services; and Cassidy Wright, Youth Member.

Council of Juvenile Services Members Absent: Taniah Apple, Youth Member; Chuck Frieberg, Director of Court Services; and Alexis Kohler, Youth Member.

Council of Juvenile Services Members Present on Conference Line: Sara McGregor-Okroi, Vice-Chair and Director of Aliive-Roberts County; Keegan Binegar, Youth Member; Tiffany Glaser, Department of Social Services JJRI Program Manager; Dave McNeil, Aberdeen Police Department Chief; and Carol Twedt, Former Minnehaha County Commissioner.

Others Present: Bridget Coppersmith, Kevin McLain, and Heather Van Hunnik, South Dakota Department of Corrections (DOC). Mark Kiepke and Amy Witt, Lutheran Social Services; Tara Palmiotto, Minnehaha County; and Chad Seidel, Hughes County Juvenile Detention Center, were in attendance for the agenda item associated with their funding presentations.

1. WELCOME, INTRODUCTIONS AND AGENDA REVIEW

Chair Beth O'Toole welcomed everyone to the meeting at 11:43AM on September 12, 2019 and introductions were made. Bridget Coppersmith noted that this was the first meeting for Sheriff Brad Howell who replaced former Sheriff Mike Leidholt and Cassidy Wright who replaced Renee Gallagher as a youth member. Pat Band Hand was appointed to the Council with a start date of October 31, 2019 and will replace Miskoo Petite who resigned due to moving out of the state. Coppersmith added that the meeting was the last one for members Keith Bonenberger and Taniah Apple.

2. DISCLOSURE OF CONFLICTS OF INTEREST

Coppersmith explained that the funding decisions coming before the Council at the meeting were regarding applications from Lutheran Social Services (LSS) for Disproportionate Minority Contact (DMC) services in Minnehaha and Pennington Counties, an application from Minnehaha County for Reducing Racial and Ethnic Disparities in Juvenile Justice Services, and an application from the Hughes County Juvenile Detention Center (JDC) under a one-time Reducing Racial and Ethnic Disparities Awareness application.

Coppersmith asked if any Council Members had conflicts of interest with the proposed agenda to disclose. Aaron McGowan, Betty Oldenkamp, and Carol Twedt disclosed they had conflicts of interest with the Disproportionate Minority Contact decisions regarding LSS and they would abstain from all discussion and action regarding the agenda item. Aaron McGowan stated that he had a conflict of interest in the Minnehaha County application for Reducing Racial and Ethnic Disparities in Juvenile Justice services and would abstain from all discussion and action regarding the agenda item.

3. PERIOD FOR PUBLIC COMMENT

Chair O'Toole explained that House Bill 1172 amended South Dakota Codified Law 1-25-1 by adding the following text: The chair of the public body shall reserve at every official meeting by a public body a period for public comment, limited at the chair's discretion, but not so limited as to provide for no public comment.

Chair O'Toole asked if there were any public comments to be brought before the Council at the meeting. After confirmation from the public present that they had no comments to share, Chair O'Toole proceeded with the meeting agenda and ended the period for public comment.

4. APPROVAL OF JUNE 2019 CJS MEETING MINUTES

Aaron McGowan moved to approve the June 13, 2019 Meeting Minutes, Betty Oldenkamp seconded. Motion carried unanimously.

5. BUDGET STATUS REPORT AND SUBGRANT UPDATES

Coppersmith provided an overview of the Federal Fiscal Year (FFY) 2015 award that was currently being expended. Coppersmith explained that as of September 3, 2019, \$55,649.57 was remaining of the \$393,667.00 award. Coppersmith stated that ten percent of the award can be moved between approved budget categories without an amendment to the Office of Juvenile Justice and Delinquency Prevention (OJJDP) to close the award out by the end date of September 30, 2019. Coppersmith noted that the only exception to the movement between categories is the program area of Planning and Administration which requires a match by the state. No funds had been expended under the FFY2016 award at the time of the meeting. Coppersmith added that she had received confirmation from OJJDP that the one-time extension request for the award had been approved and the new end date was September 30, 2020.

Coppersmith explained how each program area was being expended and their anticipated expenditures through the end of the award. Coppersmith stated that delinquency prevention and Native American Programs subgrants were actively spending their awards and that claims were steadily coming in under the County Reimbursement Program. Coppersmith noted that the alternatives to detention subgrants in Brown and Codington Counties were in the starting phases of their implementation and had each hired a coordinator in August. The award in Davison County was delayed as the position had not been filled at the time of meeting. Heather Van Hunnik explained that subgrants under the program area of DMC were closing out their FY2019 awards and had applied for additional funding for FY2020. Van Hunnik added that the Council held a successful Reducing Racial and Ethnic Disparities training in July which provided an overview of unconscious bias and the work done under the Formula Grants Program regarding DMC for law enforcement, detention, and probation entities.

Coppersmith added that since the June meeting, the DOC had programmatic reviews from the Office of Justice Programs and OJJDP staff and were waiting on the official results of the reviews. Based on initial discussions, Coppersmith does not anticipate any negative findings regarding the states' implementation and oversight of the Formula Grants Program.

6. COMPLIANCE UPDATE

Van Hunnik presented the compliance monitoring report for October 1, 2018 – June 30, 2019. Van Hunnik explained that 1,413 records were submitted and all but one had been cleared prior to the meeting. Zero violations under jail removal and separation were found after full review of the records and one record was flagged as a potential deinstitutionalization of status offenders (DSO) violation out of Codington County.

Van Hunnik provided an overview of the findings from the August 2018 compliance audit from OJJDP. Van Hunnik stated that four findings were found and that all four had already been addressed by the DOC. The findings were regarding the inclusion of state highway patrol offices in the compliance monitoring universe, policies and procedures regarding a former juvenile holding and interview areas

located within the Pierre Police Department/Hughes County Sheriff's office, the holding of status offenders in a non-secure area of the Brookings County Detention Center and verification of data submitted in previous compliance reports regarding the holding of youth in the Brookings County Detention Center.

Discussion ensued regarding the small number of DSO violations through June 2019 and the minimal findings from the OJJDP audit.

7. DMC FUNDING PRESENTATIONS

Mark Kiepke and Amy Witt from Lutheran Social Services presented an overview of the DMC applications from Minnehaha and Pennington Counties. Kiepke and Witt explained the process of working with DMC Case Managers in each county and the impact each case manager has had since the programs began. Both counties applied for \$35,000 for the period of October 1, 2019 – September 30, 2020 to continue services associated with DMC Case Managers in each county.

Tara Palmiotto, Minnehaha County Deputy State's Attorney – Juvenile Division, presented an overview of Minnehaha County's application for funding under the Reducing Racial and Ethnic Disparities in Juvenile Justice Subgrant. The solicitation is tied to the implementation of the capstone project associated with the Georgetown training provided to the county in 2017. Palmiotto explained that the county applied to continue services associated with their Diversion Coordinator position and to provide training on implicit bias to local stakeholders. The county applied for \$46,905 in Formula Grant funds to support the project.

Chad Seidel, Hughes County Juvenile Detention Center Administrator, provided an overview of the county's application under the Reducing Racial and Ethnic Disparities Awareness Subgrant. Seidel explained that the application is associated with assisting staff and juveniles under their care with education and understanding around various races and ethnicities. The application amount of \$17,289.80 would provide for training for four staff in 2020, and supplies and equipment to inform and enlighten the juveniles on Racial and Ethnic issues among all cultures.

8. DOC RECOMMENDATIONS AND FUNDING ACTIONS ON DMC APPLICATIONS

Van Hunnik explained that the DOC was recommending that the Council award the requested amount of \$35,000 to both Minnehaha and Pennington Counties through LSS based on current and previous subgrant performance from the applicant.

Dough Herrmann moved to approve the DMC application from Pennington County, Sheriff Brad Howell seconded. Motion carried unanimously with Aaron McGowan, Betty Oldenkamp, and Carol Twedt abstaining from all action and discussion.

Judge Tami Bern moved to approve the DMC application from Minnehaha County, Keith Bonenberger seconded. Motion carried unanimously with Aaron McGowan, Betty Oldenkamp, and Carol Twedt abstaining from all action and discussion.

Van Hunnik explained that the DOC was recommending that the Council award the requested amount of \$46,905 to Minnehaha County for Reducing Racial and Ethnic Disparities in Juvenile Justice based on current and previous subgrant performance from the applicant.

Keith Bonenberger moved to approve the Minnehaha County application, Kristi Bunkers seconded. Motion carried unanimously with Aaron McGowan abstaining from all action and discussion.

Van Hunnik provided an overview of the DOC's recommendations for the Hughes County JDC application. DOC recommended approval of \$11,323.84 of the requested \$17,289.38. The reduction stemmed from approving two each rather than the requested four each of shop desks, laptops, sentinel

chairs, language translators, and Rosetta Stone software. The DOC also recommended denying the request for 12 Motorola radios as they were not directly related to the program area of DMC.

Judge Tami Bern moved to approve the Hughes County JDC application as recommended by the DOC for the amount of \$11,323.84, Doug Herrmann seconded. Motion carried unanimously.

9. JUVENILE JUSTICE UPDATES

Kristi Bunkers stated that the next Juvenile Justice Oversight Council Meeting will be in Sioux Falls on October 8th from 10AM to 4PM at the Sheraton Hotel. Bunkers explained that meetings are held across the state to allow for public input and that recent meetings contain deep dives of juvenile data in the areas where meetings are held.

Betty Oldenkamp noted that New Beginnings Center in Aberdeen is struggling with staffing which has decreased their capacity down to 12 youth compared to the fully staffed capacity of 18 youth. Oldenkamp also stated that Big Brothers Big Sisters of the Sioux Expire is disassociating with the national entity and will dissolve their nonprofit status. LSS will take on the mentoring services and plan to have between 130 – 150 mentoring matches once they are operational.

Cassidy Wright explained that Volunteers of America, Dakotas is working with school resource officers in Sioux Falls to expand participants to send to Camp Postcard with the Volunteers of America, Northern Rockies. Historically, the camp was targeted at at-risk offenders in 6th and 7th grades. Once the program is off the ground in Sioux Falls, the hope is that Sioux Falls School Resource Officers will be able to start referring youth to attend the week-long camp located at Outlaws Ranch in Custer, SD.

10. NEXT MEETING LOCATION AND DATES

Coppersmith explained that the next meeting is planned for December 18th in Chamberlain, SD or Pierre, SD and is contingent on weather and agenda content.

11. WRAP-UP AND ADJOURN

At 1:17 PM, Aaron McGowan moved to adjourn the September 2019 Council of Juvenile Services Meeting, Doug Herrmann seconded. Motion carried unanimously.

Recorded by Bridget Coppersmith, Juvenile Justice Specialist

Meeting Minutes - Draft
Executive Committee Conference Call
South Dakota Council of Juvenile Services (CJS)
April 6, 2020

CJS Executive Committee Members: Beth O'Toole, Chair and Professor at the University of Sioux Falls; Sara McGregor-Okroi, Vice-Chair and Director of Alii Roberts County; Judge Tami Bern, Circuit Court Judge in the First Circuit; Charles Frieberg, Director of Court Services; and Betty Oldenkamp, CEO of Lutheran Social Services.

Executive Committee Members Present: Chair Beth O'Toole, Judge Tami Bern, Charles Frieberg, and Betty Oldenkamp.

Executive Committee Members Absent: Vice-Chair Sara McGregor-Okroi

Others Present: Bridget Coppersmith, Nicole Gednalske, and Heather Van Hunnik, South Dakota Department of Corrections (DOC).

1. WELCOME

Chair Beth O'Toole called the meeting to order at 9:02 AM on Monday, April 06, 2020 and welcomed everyone to the call. Chair O'Toole explained that the purpose of the meeting was to act regarding the FY2020 Formula Grant Application. Bridget Coppersmith noted that all other content from the canceled March meeting would be presented at the next Council of Juvenile Services Meeting. Coppersmith added that Heather Van Hunnik had accepted a different position within the Department of Corrections and that Nicole Gednalske had been hired to fill the position and will be working with the Race and Ethnic Disparities (RED) and compliance aspects of the Formula Grants Program.

2. DISCLOSURE OF CONFLICT OF INTEREST

Coppersmith asked if any Council Members had conflicts of interest with the proposed agenda to disclose. Coppersmith explained that while the application was regarding funding for subgrants, conflicts regarding specific subgrants would be disclosed at the time of making awards with the funding at future meetings. No conflicts were disclosed.

3. APPROVAL OF FY2020 FORMULA GRANT APPLICATION

Coppersmith explained that the FY2020 Formula Grant Application was the third year of the 2018 Three-Year Plan and that funding would run from October 2020 to September 2024. Coppersmith noted that FY2016 Formula Grant funds are currently being spent and that South Dakota had been awarded funding for FY2017, FY2018, and FY2019 which would be spent prior to utilizing the FY2020 award. The FY2020 application is due to the Office of Juvenile Justice and Delinquency Prevention by April 13, 2020.

Coppersmith stated that consisted with last year, the application is an update plan and only substantive updates and new requirements are required to be submitted for the plan narrative. In addition to the narrative, states are required to submit their annual compliance and RED plans.

Heather Van Hunnik provided an overview of the RED plan which contained data from July 1, 2018 to June 30, 2019. Van Hunnik explained that she expects the numbers to show more improvement next year as the three subgrants tied to the program area continue to serve youth. Van Hunnik noted that there is a struggle to find RED training on the national scale for Native American youth as most training focuses on African American and Hispanic youth.

Coppersmith provided an overview of the application narrative. Coppersmith explained that for all components that were part of the narrative in previous years, South Dakota would state that no changes occurred. New this year were eleven requirements that were to be included in an addendum to address changes from the recent reauthorization of the Juvenile Justice and Delinquency Prevention Act. Coppersmith explained that staff looked to tie each requirement to the state three-year plan, specifically programs that are currently being funded. There were a few sections that were not applicable to the state as South Dakota does not have a secure juvenile correctional facility.

Coppersmith presented the proposed budget which is a place holder in the application until the award amounts are announced. Coppersmith noted that some of the program areas have different names than they have in the past, but the scope of the application is still consistent with current programs and would allow for the continuation of services under previously used program areas.

Discussion ensued regarding the content of the application and appreciation to staff at the Department of Corrections for their work on it.

Beth O'Toole moved to approve the FY2020 Formula Grant Application as presented. Chuck Frieberg seconded. Motion carried unanimously.

4. WRAP-UP AND ADJOURN

At 9:18 AM, Betty Oldenkamp moved to adjourn the Executive Committee Meeting. Judge Tami Bern seconded. Motion carried unanimously.

*Recorded by Bridget Coppersmith
Juvenile Justice Specialist*